UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

CRYSTAL STAUFFER, Plaintiff v. NAVIENT SOLUTIONS, INC., Defendant	**Case No.:** **COMPLAINT AND DEMAND FOR JURY TRIAL**

COMPLAINT

CRYSTAL STAUFFER ("Plaintiff"), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against NAVIENT SOLUTIONS, INC. ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 *et seq*.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant conducts business in the Commonwealth of Pennsylvania and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in York, Pennsylvania 17401.

6. Plaintiff is a "person" as that term is defined by 47 U.S.C. § 153(39).

7. Defendant is a corporation that does business in Pennsylvania and maintains its principle place of business at 123 Justison Street, Wilmington, Delaware 19801.

8. Defendant is a "person" as that term is defined by 47 U.S.C. §153(39).

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Plaintiff has a cellular telephone number that she has had for more than one year.

11. The phone number has been assigned to a cellular telephone service for which Plaintiff incurs a charge for incoming calls.

12. Plaintiff never gave permission to Defendant to call her cellular telephone.

13. Plaintiff never furnished Defendant with her cellular telephone

number and never authorized Defendant to call her.

14. Beginning in or around early January 2015, and continuing through at least May 2015, Defendant called Plaintiff on her cellular telephone.

15. During the relevant period, Plaintiff received on average four (4) to five (5) calls a day, as well as, calls on the weekends.

16. Defendant used an automatic telephone dialing system and automatic and/or pre-recorded messages.

17. Defendant's prerecorded messages would identify its name as Navient, and then state, "This call is for Crystal Stauffer."

18. Plaintiff, annoyed and confused, did not know why Defendant was contacting her, as she has never engaged in any business with Defendant.

19. Defendant's telephone calls were not made for "emergency purposes."

20. In early January 2015, Plaintiff spoke with Defendant and told it to stop calling her cellular telephone, thereby revoking consent for future communications to her cellular telephone.

21. Although Plaintiff's revocation was heard, Defendant ignored her request, and continued to call Plaintiff on her cellular telephone.

22. Defendant's calls were so invasive that Plaintiff added an App to her cell phone to log the call times, dates and originating phone number.

23. Defendant made approximately seventy (70) calls to Plaintiff

following revocation.

24. Most recently, Defendant contacted Plaintiff on her cellular telephone on May 29, 2015.

25. Upon information and belief, Defendant conducts business in a manner which violates the telephone consumer protection act.

DEFENDANT VIOLATED THE
TELEPHONE CONSUMER PROTECTION ACT

26. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.

27. Defendant initiated multiple automated telephone calls to Plaintiff's cellular telephone using a prerecorded voice.

28. Defendant initiated these automated calls to Plaintiff using an automatic telephone dialing system.

29. Defendant's calls to Plaintiff were not made for emergency purposes.

30. Defendant's calls to Plaintiff, specifically in and after January 2015, were not made with Plaintiff's prior express consent.

31. Defendant's acts as described above were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff.

32. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.

33. As a result of the above violations of the TCPA, Plaintiff has suffered the losses and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, CRYSTAL STAUFFER, respectfully prays for a judgment as follows:

a. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);

b. Statutory damages of $500.00 per telephone call pursuant to 47 U.S.C. § 227(b)(3)(B);

c. Treble damages of $1,500 per telephone call pursuant to 47 U.S.C. §227(b)(3) or alternatively that amount for all calls made after Defendant was notified that they were calling the wrong person and wrong number;

d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);

e. Any other relief deemed appropriate by this Honorable Court.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, CRYSTAL STAUFFER, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

DATED: 08-07-15

KIMMEL & SILVERMAN, P.C.

By:*/s/ Craig Thor Kimmel*____

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